

Serial No. 10/025,299

REMARKS

Reconsideration of the present application in view of the following remarks is respectfully requested.

Claims 24-29 are currently pending in the present application, claims 1-23 have been canceled herein. New independent claim 24 recites that the absorbent article according to the present invention includes a liquid permeable cover layer, a liquid impermeable barrier layer, and wherein *the entire* absorbent article has a flexural resistance of less than 30 g. (Emphasis Added) Subject matter support for new independent claim 24 can be found at page 1, paragraph [0012] and paragraph [0014] of the present application (US2003/0114822), as well as in the inventive examples described in paragraphs [0059], [0060] and [0061].

Previously pending claims 15-23 were rejected under 35 USC 102(e) as being anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over Carstens et al. (US6582411). It is respectfully submitted that Carstens fails to anticipate or render obvious the claimed invention as now set forth in new claims 24-30. In particular it is noted that new independent claim 24 states that the *entire* absorbent article has a flexural resistance of less than 30 g. Carstens purports to disclose an absorbent article that most preferably has a flexural resistance of between about 30 g and about 50 g. Thus, Carstens fails to disclose an absorbent article wherein the *entire* absorbent article has a flexural resistance of less than 30 g as claimed. Likewise, with respect to claims 25 and 26 it is respectfully submitted that Carstens fails to teach or suggest an absorbent article wherein the *entire* absorbent article has a flexural resistance of less than 20 g and 17 g respectively. With respect to claim 27 it is respectfully submitted that Carstens fails to teach or suggest an absorbent article having a flexural resistance of about 20 g or less wherein the absorbent article has a thickness of about 0.5 mm to about 5.0 mm. Indeed Carstens suggests using a high-loft cover, such that the cover *alone* has a thickness of greater or equal to 3.2 mm, and more preferably between 6.4 mm and 13 mm. (Carstens, col. 9, ll. 4-13).

New independent claims 28 and 29 recite embodiments of the invention wherein the absorbent article *consists* of a cover layer and a barrier layer. Based upon the high

Serial No. 10/025,299

absorbency nature of the article described in Carstens it is respectfully submitted that Carstens fails to teach or suggest in any manner an absorbent article having the properties as recited in claims 28 and 29 wherein the article *only* includes a cover layer and a barrier layer.

In view of the above it is respectfully requested that the Examiner's rejections be withdrawn.

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. Applicants look forward to an early notice of allowance for this application.

Respectfully submitted,

By: Paul J. Higgins/  
Paul J. Higgins  
Reg. No. 44,152

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1728  
DATE: September 10, 2007